

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In Re: : Case No. 10-17737  
: :  
JAMES MATTHEW SPARKS : JUDGE HOPKINS  
: :  
Debtors : CHAPTER 7

**TRUSTEE'S OBJECTION TO**  
**APPLICATION FOR WAIVER OF CHAPTER 7 FILING FEE**

Elliott Polaniecki, Trustee, objects to the Application for Waiver of Chapter 7 Filing Fee (Doc. 6) filed by Debtor in this matter.

Respectfully submitted,

/s/ Elliott Polaniecki  
Elliott Polaniecki, Trustee  
9000 Plainfield Road  
Cincinnati, Ohio 45236  
(513) 793-5999  
(513) 793-4691  
[e28p@aol.com](mailto:e28p@aol.com)

MEMORANDUM

The Disclosure of Compensation of Attorney for Debtor filed with the petition and schedules contains the certification of Debtor's counsel that she has agreed to accept a fee of \$899.00. The Application for Waiver of Filing Fee, signed by the Debtor, confirms his promise to pay that fee. The Trustee believes that it is the policy of this Court to deny an Application for Waiver of Filing Fee if there is a significant payment of attorney fees, or an agreement for same.

The Trustee also submits that the Debtor has scheduled an interest in real property on Schedule A valued at \$110,000. That asset is omitted from the Application for Waiver of Filing Fee.

Accordingly, the Trustee respectfully objects to the Application for Waiver of Filing Fee and, in view of Debtor's current employment, requests that the Court order payment of the \$299.00 filing fee on such terms as the Court deems appropriate.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent by regular U.S. Mail or served electronically to the following on December 9, 2010:

Diana Khouri, Esq.  
Serve electronically

Office of the U.S. Trustee  
Serve electronically

James M. Sparks  
4042 Lansdowne Avenue  
Deer Park, OH 45236

/s/ Elliott Polaniecki  
Elliott Polaniecki